

## Department of Transportation

## 1202.1

### 1201.404 Class deviations.

Class deviations from the FAR and (TAR) 48 CFR chapter 12 may be granted in writing by the Senior Procurement Executive unless (FAR) 48 CFR 1.405(e) is applicable.

### Subpart 1201.6—Career Development, Contracting Authority and Responsibilities

#### 1201.602-3 Ratification of unauthorized commitments.

(b) *Policy.* It is the policy of DOT that all procurements are to be made only by Government officials having authority to make such acquisitions. Procurements made by other than authorized personnel are contrary to Departmental policy and may be considered matters of serious misconduct on the part of the employee making an unauthorized commitment. Consideration will be given to initiating disciplinary action against an employee who makes an unauthorized commitment.

#### 1201.603-1 General.

Each DOT operating administration is responsible for appointing its contracting officers.

## PART 1202—DEFINITIONS OF WORDS AND TERMS

### Subpart 1202.1—Definitions

Sec.

1202.1 Definitions.

#### Subpart 1202.70—Internet Links

1202.7000 General.

APPENDIX A TO PART 1202—LIST OF INTERNET ADDRESSES FOR TAR DOCUMENTS

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

### Subpart 1202.1—Definitions

#### 1202.1 Definitions.

(a) *Agency, Federal agency, or Executive agency* means the Department of Transportation.

(b) *Chief Information Officer (CIO)* means the Director of the Office of the CIO (S-80).

(c) *Chief of the contracting office (COCO)* means the individual(s) respon-

sible for managing the contracting office(s) within an operating administration.

(d) *Contracting activity* includes all the contracting offices within an operating administration and is the same as the term “procuring activity.”

(e) *Contracting officer* means an individual authorized by virtue of his/her position or by appointment to perform the functions assigned by the Federal Acquisition Regulation and the Transportation Acquisition Regulation.

(f) *Department of Transportation (DOT)* means all of the operating administrations included within the Department of Transportation.

(g) *Head of the agency or agency head* means the Deputy Secretary except for acquisition actions that, by the terms of a statute or delegation, must be done specifically by the Secretary of Transportation.

(h) *Head of the contracting activity (HCA)* means the individual responsible for managing the contracting offices within an operating administration who is a member of the Senior Executive Service or a flag officer and is the same as the term “head of the procuring activity.”

(i) *Head of the operating administration (HOA)* means the individual appointed by the President to manage the operating administration. (For acquisition related matters, the Director, Transportation Administrative Service Center (TASC) is the HOA for TASC.)

(j) *Operating administration (OA)* means the following components of DOT:

(1) Federal Aviation Administration (FAA). (FAA is exempt from the TAR (48 CFR chapter 12) and TAM in accordance with the “Department of Transportation and Related Appropriations Act for FY 1996”);

(2) Federal Highway Administration (FHWA);

(3) Federal Railroad Administration (FRA);

(4) Federal Transit Administration (FTA);

(5) Maritime Administration (MARAD);

(6) National Highway Traffic Safety Administration (NHTSA);

(7) Transportation Administrative Service Center (TASC);

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(8) Research and Special Programs Administration (RSPA);

(9) Saint Lawrence Seaway Development Corporation (SLSDC); and

(10) United States Coast Guard (USCG).

(k) *Senior Procurement Executive* (SPE) means the Director of the Office of Acquisition and Grant Management (M-60).

[59 FR 40272, Aug. 8, 1994, as amended at 61 FR 50249, Sept. 25, 1996; 62 FR 26420, May 14, 1997; 62 FR 67750, Dec. 30, 1997]

### Subpart 1202.70—Internet Links

#### 1202.7000 General.

Throughout the (TAR) 48 CFR chapter 12, referenced documents which can be found on the internet will cite the applicable internet address. These addresses are located in Appendix A of this part.

[62 FR 67750, Dec. 30, 1997]

#### APPENDIX A TO PART 1202—LIST OF INTERNET ADDRESSES FOR TAR DOCUMENTS

TAR part	Document name	Internet address
1201 .....	TAR .....	<a href="http://www.dot.gov/ost/m60/tamtar/part1201.htm">http://www.dot.gov/ost/m60/tamtar/part1201.htm</a>
	TAC .....	<a href="http://www.dot.gov/ost/m60/tamtar/part1201.htm">http://www.dot.gov/ost/m60/tamtar/part1201.htm</a>
1205 .....	DOT Procurement Forecast .....	<a href="http://osdbuweb.dot.gov/consolic.htm">http://osdbuweb.dot.gov/consolic.htm</a>
1234 .....	Major Acquisition Policies and Procedures.	<a href="http://www.dot.gov/ost/m60/tamtar/chap1234.htm">http://www.dot.gov/ost/m60/tamtar/chap1234.htm</a>

[62 FR 67750, Dec. 30, 1997]

## PART 1203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40273, Aug. 8, 1994, unless otherwise noted.

### Subpart 1203.1—Safeguards

Sec.

1203.101–3 Agency regulations.

1203.104–11 Criminal and civil penalties, and further administrative remedies.

#### Subpart 1203.2—Contractor Gratuities to Government Personnel

1203.203 Reporting suspected violations of the Gratuities clause.

1203.204 Treatment of violations.

#### Subpart 1203.3—Reports of Suspected Antitrust Violations

1203.301 General.

#### Subpart 1203.4—Contingent Fees

1203.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

#### Subpart 1203.5—Other Improper Business Practices

1203.502 Subcontractor kickbacks.

1203.502–2 General.

#### Subpart 1203.8—Limitation on the Payment of Funds to Influence Federal Transactions

1203.806 Processing suspected violations.

### Subpart 1203.1—Safeguards

#### 1203.101–3 Agency regulations.

(b) 5 CFR part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, supersedes the DOT regulation at 49 CFR part 99.

#### 1203.104–11 Criminal and civil penalties, and further administrative remedies.

(a) The COCO is the reviewing official for processing violations.

(1) When the contracting officer receives information of a violation or possible violation, and concludes that the reported violation or possible violation of the statutory prohibitions has no impact on the pending procurement, the contracting officer shall forward the information required by (FAR) 48 CFR 3.104–11(a)(1) to the COCO for concurrence with the contracting officer's conclusion. If the COCO concurs with the conclusion, the contracting officer shall proceed with the award, and the COCO shall submit the information and conclusion to the HCA.